

REMARKS

This is intended as a full and complete response to the Office Action dated April 18, 2007, having a shortened statutory period for response set to expire on July 18, 2007. Please reconsider the claims pending in the application for reasons discussed below.

Petition for a Retroactive License

Applicants request a decision on the previously filed petition for a retroactive license. The petition was filed concurrently with the present application on February 12, 2004. A copy of the petition is attached.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 4, 7, 10, 11, 14, 47-49, 55, 98-103, 107, 109-111 and 158 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Brezinski et al.* 6,854,522. In response, Applicants respectfully traverse the rejection.

Applicants have amended claim 1 to include the limitations of previous claim 8, which depended on claim 1 and was indicated by the Examiner to be allowable. Applicants canceled claims 47-49 and 55, without prejudice. Applicants have amended claim 98 to include the limitations of previous claim 104, which depended on claim 98 and was indicated by the Examiner to be allowable. Therefore, *Brezinski et al.* fails to teach, show or suggest each and every element of claim 1 or claim 98 or any claims dependent on these claims. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of the claims.

Claim Rejections - 35 U.S.C. § 103

Claims 3 and 50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Brezinski et al.* Applicants have canceled claim 50, without prejudice. Further, Applicants submit that claim 3 is allowable based at least on the traversal presented above regarding independent claim 1, from which claim 3 depends. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of the claim.

Allowable Subject Matter

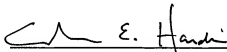
Claims 8, 12, 13, 15, 51, 52, 54, 56, 104-106, and 108 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. As discussed above, claims 8 and 104 have been canceled since the limitations therein have been incorporated into their respective independent claims. Claims 51, 52, 54 and 56 have been canceled, without prejudice. Further, claim 108 has been rewritten in independent form. Applicants submit that claims 12, 13, 15 and 106 are allowable based at least on the traversal presented herein regarding the independent claims from which these claims depend. Accordingly, Applicants request withdrawal of the objection and allowance of the claims.

Claims 80-87, 91-86, 112-115, 117-127 and 129-157 are allowed. Applicants acknowledge allowance of the claims.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Walter Aldaz, et al.

Serial No.: Unassigned

Confirmation No.: Unassigned

Filed: Herewith

For: Seal

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Group Art Unit: Unassigned

Examiner: Unassigned

Customer No.: 36,735

Dear Sir:

CERTIFICATE UNDER 37 CFR 1.10	
I hereby certify that this correspondence and the documents referred to as attached therein are being deposited on <u>2/12/04</u> with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee," mailing label No. EV416701792US addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.	
Date <u>2/12/04</u>	Signature <u>[Handwritten Signature]</u>

PETITION FOR A RETROACTIVE LICENSE UNDER 37 C.F.R. § 5.25

Applicants respectfully request the Commissioner for a retroactive license under 35 U.S.C. 184. The unlicensed patent application material was filed in Great Britain, GB 0303152.3, on February 12, 2003.

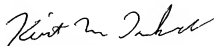
Applicants believe the unlicensed patent application was not under a secrecy order at the time it was filed abroad, and is not currently under a secrecy order. Upon the discovery of the foreign filing license requirement under 37 C.F.R. § 5.11, Applicants have diligently sought after a foreign filing license in the United States based on the unlicensed patent application material. Furthermore, the material was filed abroad without the required license through error and without deceptive intent.

Applicants respectfully request that the Commissioner grant a retroactive license based upon the attached application material in accordance with 37 C.F.R. § 5.13.

Kindly charge the Petition Fee under 37 C.F.R. 1.17(h) of \$130.00, and any other fees associated with this petition and response to Deposit Account No. 20-0782/MRKS/0101/KMT. To facilitate that charge, a duplicate copy of this letter is enclosed herewith.

If the Examiner believes that there are any unresolved issues in this application, it is requested that the Examiner telephone the undersigned so that appropriate arrangements can be made for resolving such issues.

Respectfully submitted,



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